

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:22CR261-1
	:	
ALDER ALFONSO MARIN SOTELO	:	

FACTUAL BASIS FOR A GUILTY PLEA

NOW COMES the United States of America, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11 of the Federal Rules of Criminal Procedure, states as follows:

On May 28, 2021, the North Carolina Highway Patrol conducted a traffic stop on a gold Cadillac pick-up truck for operating with a fictitious tag in Chapel Hill, North Carolina. The trooper noticed the driver, later identified as Alder Alfonso Marin SOTELO, looking back attempting to see where the trooper was as he approached the truck. The trooper, concerned about the behavior of SOTELO, approached from the passenger side of the truck. The trooper observed that SOTELO, although turning to look over his left shoulder to find the trooper, had his right hand shoved down in between the center console and his seat. The trooper, having gained an element of surprise, ordered SOTELO to show him his hands. SOTELO, caught off guard, complied

with the trooper's commands and placed his hands on the steering wheel. He was ordered not to move as the trooper retrieved a pistol stuck between the center-console. The pistol, a Beretta model 92FS, 9mm, bearing serial number BER430318, was loaded with a round in the chamber. SOTELO was detained and the trooper recovered an additional magazine and an extended magazine in the glove box.

SOTELO could not provide a driver's license, the vehicle had an inspection violation, and the registration on the vehicle was fictitious. SOTELO's name and identifiers as given to the trooper on July 14, 2021, were relayed to U.S. Customs and Border Patrol Agents, who verified that SOTELO is not legally residing in the United States. SOTELO has no record of applying for a visa or passport, nor does he have any records of legal border crossings.

In an unrelated incident, on August 16, 2022, SOTELO was pulled over in the same vehicle (gold Cadillac pick-up truck). SOTELO was in possession of a Mexican identification card and admitted to crossing the border into the United States illegally. SOTELO was not in possession of any documentation to show lawful status in the United States. Law enforcement sent a photograph of SOTELO to the trooper who conducted the traffic stop on SOTELO on July 14, 2021. The trooper positively identified the person in the photo as SOTELO, the same individual he stopped on July 14, 2021.

Special Agent (SA) Nye, an interstate nexus expert, conducted an interstate nexus examination of the Beretta model 92FS, 9mm, bearing serial number BER430318 recovered from SOTELLO on July 14, 2021. SA Nye determined the Beretta was a firearm, as defined in Title 18, United States Code, Section 921(a)(3). SA Nye further determined that the firearm was not manufactured in the State of North Carolina, and therefore traveled in or affected interstate or foreign commerce prior to SOTELLO's possession of it.

This the 16th day of November, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2022 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Helen L. Parsonage, Esq.

Respectfully submitted,

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